

## REMARKS

### Status of the Claims

Claims 27 and 33 have been canceled. Claims 1-26, 28-32 and 34-37 are currently pending in the application, of which claims 1, 23 and 28 have been amended<sup>1</sup> and claims 35-37 are newly presented. No new matter has been entered.

### 35 U.S.C. § 102

Claims 1-18 and 21-34 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cumbers (U.S. Patent No. 6,554,705). Applicants have amended claim 1 to recite “wherein an individual’s entitlement to the privilege is based upon enrollment that includes submission of personal information and a first biometric, and wherein the personal information is not stored in the database.” Cumbers fails to teach or suggest this feature. Cumbers discloses a system wherein files on a database are based on either (1) unknown persons (“Doe files”) that obviously have not enrolled, or (2) based on known individuals and contain **both** biometric data **and personal information**, such as name, address, etc. *See, e.g.*, Cumbers at col. 4, lines 24-29. Thus, independent claim 1, and dependent claims 2-18 and 21 are patentably distinct from Cumbers.

Independent claim 22 recites, *inter alia*, “a biometric enrollment system comprising: a biometric acquisition device; a first biometric of an individual seeking to be enrolled, said first biometric captured by said biometric acquisition device; one or more credentials indicative of an identity of said individual; an enrollment authority for verifying an identity of said individual seeking enrollment using said one or more identification documents; a good database for storing said captured first biometric after said identity of said individual seeking enrollment has been verified, wherein said good database stores a plurality of first biometrics of individuals enrolled in said anonymous biometric authentication system and wherein said credentials are not stored in said good database with said first biometric.” Although not addressed by the examiner, Applicants respectfully submit that Cumbers fails to teach or

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<sup>1</sup> Applicants reserve the right to pursue independent claims 1, 23 and 28 (and the claims depending therefrom) as originally presented in a continuation application. The amendments to these claims do not serve as an admission that the claims, as originally presented, are anticipated by Cumbers.

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suggest such an enrollment system. Claim 22 accordingly is patentable over the teachings of Cumbers.

Independent claim 23 has been amended to include features recited in original claim 27, which are not taught or suggested by Cumbers. Independent claim 28 has been amended to include features recited in original claim 33, which are neither taught nor suggested by Cumbers. Applicants note that the examiner did not even address the features of original claims 27 and 33.

Each of the remaining claims (24-26, 29-32 and 34) rejected under Section 102 depend from one of the independent claims that has been distinguished from Cumbers above.

In view of the forgoing, Applicants respectfully request reconsideration and withdrawal of the Section 102 rejection.

#### 35 U.S.C. § 103

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cumbers in view of McHugh et al. (U.S. Patent No. 6,289,113). Applicants respectfully disagree. Claims 19 and 20 depend from independent claim 1. Since independent claim 1, as amended, is patentably distinct from Cumbers and since McHugh fails to remedy the shortcomings of Cumbers, claims 19 and 20 are patentable over the combination of the two references. Reconsideration and withdrawal of the Section 103 rejection are earnestly solicited.

#### Conclusion


Applicants believe all of the pending claims are now in condition for allowance, and request confirmation of the same through a Notice of Allowance.

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